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Representing the United States of America

**UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA**

IN THE MATTER OF THE SEARCH OF:

2700 Las Vegas Boulevard, South, #2704,
 Las Vegas, Nevada 89109
 County of Clark, State of Nevada

Case No. 2:18-mj-303-GWF

Motion to Unseal

(Under Seal)

IN THE MATTER OF THE SEARCH OF:

2018 Toyota Yaris Vehicle
 Bearing Nevada License Plate "059B42"

✓ Case No. 2:18-mj-304-GWF

Motion to Unseal

(Under Seal)

MOTION TO UNSEAL

The government, by and through its attorneys, JASON M. FRIERSON, United States Attorney, District of Nevada, and Kimberly M. Frayn, and Jacob H. Operskalski, Assistant United States Attorneys, represent to the Court that on or about March 12, '2018, the Honorable Magistrate Judge George Foley, Jr. issued search warrants in case numbers 2:18-mj-303-GWF and 2:18-mj-304-GWF, allowing the search of a residence and a vehicle related to an investigation being conducted by the Federal Bureau of Investigation (FBI)

1 concerning suspected violations of federal laws. On or about the same date, the Court
2 placed the affidavit in support of these search warrants under seal until further order of the
3 Court to protect the integrity of the ongoing investigation. Subsequently, the warrants were
4 executed.

5 Defendant Berk Eratay is charged by Indictment in Vermont for his role in a
6 murder-for-hire conspiracy that resulted in death, in violation of 18 U.S.C. § 1958. He was
7 arrested in Las Vegas. On or about May 31, 2022, he was detained pending his transport to
8 Vermont to answer those charges in case number 2:22-mj-00433-VCF. He has requested an
9 identity hearing, which is currently set for June 3, 2022. Counsel for the defendant have
10 requested discovery in connection with the upcoming identity hearing. A protective order
11 was issued by the Court on June 1, 2022, to permit limited discovery production relative to
12 the identity hearing. 2:22-mj-00433-VCF, ECF 16. The search warrants and their sealed
13 supporting affidavit are relevant to a witness that the government intends to have testify in
14 the identity hearing and relate to the murder-for-hire investigation. The government seeks
15 permission to produce the search warrants and their supporting affidavit to defense counsel
16 for defendant Eratay, which is allowed under the protective order, 2:22-mj-00433-VCF,
17 ECF 16.

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1 Accordingly, the government moves that this Court order the unsealing of the
2 affidavit supporting the search warrants in case numbers 2:18-mj-303-GWF and 2:18-mj-
3 304-GWF so that the government can produce the search warrants and their supporting
4 affidavit to the defense in anticipation of the identity hearing. Once unsealed and
5 produced, these documents will be subject to the protective order, 2:22-mj-00433-VCF,
6 ECF 16.

7 DATED: This 2nd day of June, 2022.

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9 Respectfully submitted,

10 JASON M. FRIERSON
11 United States Attorney

12 /s/ Kimberly M. Frayn
13 KIMBERLY M. FRAYN
14 JACOB H. OPERSKALSKI
15 Assistant United States Attorneys

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17 DATED: This 2nd day of June, 2022.

18 IT IS SO ORDERED.
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21 HONORABLE ELAYNA J. YOUCHAH
22 UNITED STATES MAGISTRATE JUDGE
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